

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.14252 of 2005

DATED:28-03-2006

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Between:

P. Siva Prasad Reddy and others .. Petitioners

And

The Joint Sub Registrar, I.R.O., (O.B.) Sanga Reddy, Medak District.

and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.14252 OF 2005

ORDER:

The petitioners purchased an extent of Acs.8.39 guntas in survey No.30 situated at Osmannagar Village, Ramachandrapuram Mandal, Medak District (in favour of the first petitioner), an extent of Acs.9.00 in survey No.191 situated at Kolluru Village, Ramchandrapuram Mandal, Medak District (in favour of the second petitioner) and an extent of Acs.9.00 in survey Nos.30 and 191 of Osmannagar (in favour of the third petitioner) from one Sri Kamlesh Lohade, who is a General Power of Attorney (GPA) Holder and is authorized to sell the property. The sale deeds executed by the GPA were presented to the first respondent on 25-04-2005. They allege that before the first respondent, Sri Kamlesh Lohade, the GPA holder, who executed the sale deeds, also admitted the execution. Nonetheless, the sale deeds were not registered and were not released to the petitioners and they were kept "pending for scrutiny". In spite of number of visits by the petitioners to the office of the first respondent, documents were not released. Therefore, they filed the instant writ petition, *inter alia*, seeking a direction to respondents 1 and 2 to release the sale deeds in their favour.

At the stage of admission itself, the first respondent has filed a counter-affidavit. It is the case of the respondents that on 31-03-2005, the Director of Maxworth Orcharde (India) Limited brought to the notice of the Joint Sub-Registrar-I that some unsocial elements are trying to alienate the land in survey No.30, Osmannagar and survey

No.191 of Kolluru Village, Ramachandrapuram Mandal, in the name of Sri Kamlesh Lohade by impersonation. It is further stated that on 26-04-2005, Sri Kamlesh Lohade appeared in person before the first respondent and submitted his passport photo and identity card issued by the Election Commissioner, and requested the first respondent not to entertain any document alleged to have been executed by him, unless he is physically present. The first respondent found a lot of variation between the signature of Sri Kamlesh Lohade and the person, who signed the sale deeds as executant. Further, the High Court of Judicature, Madras, in C.A.No.656 of 2005 in C.A.No.63 of 2001 passed orders on 27-04-2005, directing the registering authorities not to register any document in respect of the lands comprised in survey No.30 of Osmannagar and survey No.191 of Kolluru Village. Therefore, the documents were not registered and released to the petitioners.

It is not disputed that when there is an allegation of impersonation or non-execution, it is always open to the registering officer to keep the document pending. Indeed, Section 35 of the Registration Act, 1908, and Rules 26 and 58 of the Andhra Pradesh Rules under the Registration Act, 1908, require the registering officer to enquire into the validity of a document and consider the objections raised, *inter alia*, on the ground that the parties appearing before him are not the persons professed to be. In such a case, however, the registering officer has to conduct a proper enquiry. Having regard to this, the learned counsel for the petitioners requests that the first respondent may be directed to conduct an enquiry in the matter.

The Writ Petition is accordingly disposed of directing the first respondent to conduct an enquiry into the allegations of impersonation in the name of Sri Kamlesh Lohade as GPA of M/s Maxworth Orchard (India) Limited. Such enquiry may be completed within a period of eight weeks, after giving notice to the petitioners as well as the owners of the property, which was sought to be demised under two sale deeds. No costs.

(V.V.S.RAO, J)

28-03-2006

GJ